HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Revision No. 273/2001
(Old No. 798 of 1990)

Rambir Singh Chauhan ……Revisionist

Vs.

State of U.P. and Sudha Devi …….Respondents

Hon'ble Irshad Hussain, J.

None appear for the revisionist despite personal service. Heard Sri Amit Bhatt learned A.G.A. for the State and perused the record.

By means of this criminal revision under section 397/401 of the Code of Criminal Procedure (for short 'Code') the legality and propriety of the judgment and order dated 23.3.1990 passed by the Sessions Judge, Pauri Garhwal in criminal revision no.40/1989 had been questioned. The revisionist-husband was the opposite party in the petition under section 125 of the Code filed by his wife-Smt.Sudha Devi. It was registered as case no. 21/1988. The same was dismissed on merit per judgment and order dated 3.4.1989. Aggrieved, wife preferred a revision which was allowed by the Sessions Judge by the impunged referred above.

Perusal of the judgment clearly indicate that there was clear finding that the wife has reasonable ground to reside separately and she was not provided with any maintenance by her husband-the revisionist. The finding is neither perverse nor against the legal provisions and therefore there is no merit in this revision and the same is hereby dismissed. Stay order dated 26.5.1990 is vacated.

(Irshad Hussain, J.)

Date 27.4.2004
Rawat